

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 69742

Jerry Lambert
Michelle Lambert
175 Falcon Drive
Pasadena, MD 21122

128 Patapsco Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 9, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) § 13-4-201 (b)(d), failure to store trash in cans with tight fitting lids on residential property known as 128 Patapsco Avenue, 21222.

On November 17, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Buc Thompson issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Jerry Lambert, Respondent and Buc Thompson, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 21, 2009 for removal of trash and debris and proper storage of garbage in cans with tight lids. This Citation was issued on November 17, 2009.

B. Photographs in the file show cans overflowing with bagged garbage and no lids, and discarded furniture and rugs on the ground in the yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

C. Jerry Lambert owns this investment property. He testified that he is trying to evict the tenants, who are squatters that moved in without permission and without a lease. He further testified that he purchased garbage cans with lids the day before this Hearing and placed them at the property, and provided a photograph showing the new cans.

D. Because compliance is the goal of code enforcement, and Respondent is taking all possible steps to correct the violations, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by January 4, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 14th day of December 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.